

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 08-20548

v.

Honorable Nancy G. Edmunds

BURTON NORFLEET (D-3),

Defendant.

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**ORDER DENYING DEFENDANT'S
LETTER REQUEST [209]**

On December 9, 2015, Defendant pled guilty to one count of conspiracy to possess with intent to distribute a controlled substance (heroin) in violation of 21 U.S.C. §§ 841(a)(1), 846. (ECF No. 54.) On August 4, 2016, Defendant was sentenced to 120 months of imprisonment and judgment was entered. (ECF No. 89.) The matter is now before the Court on Defendant's letter request to remove a two-point enhancement imposed at sentencing so that he may receive credit for his participation in the Residential Drug Abuse Program ("RDAP"). (ECF No. 209.) Judgment was entered in this case years ago, however, and the Court does not have the authority to modify it at this time. *See United States v. Foumai*, 910 F.2d 617, 620 (9th Cir. 1990) (noting that judgments "ordinarily become final and unreviewable when the time for appeal and reconsideration has expired"). And while the Court commends Defendant on his efforts in the RDAP and other prison programs, it notes that the Bureau of Prisons has "full discretion to grant or withhold early release, even denying any early release to those prisoners who have

already completed the RDAP.” *See Cushenberry v. Fed. Med. Ctr.*, 530 F. Supp. 2d 908, 914 (E.D. Ky. 2008). Thus, Defendant’s letter request is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: July 7, 2022

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 7, 2022, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager